DOCUMENT RESUME

ED 212 009 CS 503 725

AUTHOR Rowland, Robert C.
TITLE Substance or Procedure: Misapplication of the "Tabula Rasa" Approach.
PUB DATE Nov 81
NOTE 19p.; Paper presented at the Annual Meeting of the Speech Communication Association (67th, Anaheim, CA, November 12-15, 1981).

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS *Debate; *Evaluation Methods; Higher Education; *Judges; Persuasive Discourse; *Public Speaking; *Speech Communication; *Theories
IDENTIFIERS *Tabula Rasa Approach

ABSTRACT

Pointing out that the "tabula rasa" debate perspective is built on the assumption that free and open debate is the fairest and most accurate method of resolving disputes, this paper argues that the "tabula rasa" approach itself has not been subjected to a similar scrutiny. The paper notes that this perspective was derived from the legal community's experiences in deciding court cases and discusses how the legal version of the approach has been misapplied in the field of debate. It argues that judges in the law embrace a form of "tabula rasa" as a method of putting aside preconceptions in order to fairly evaluate issues, but that they also recognize that the perspective, if taken to an extreme, can produce inaccurate and unfair decisions. Debate judges, it continues, have not been so willing to adopt this limited version of "tabula rasa." By accepting the passive, unlimited version of "tabula rasa," debate judges have shifted the balance of argument in debate toward procedural issues and away from substantive questions of fact and policy. The paper proposes an active, but limited, "tabula rasa" model of debate evaluation that is designed to remedy such problems. It suggests that by establishing minimum standards that must be met by all arguments, the proposed model would encourage debaters to develop high quality theoretical and substantive arguments while avoiding theoretical trickery. (FL)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED212009

U.S. DEPARTMENT OF EDUCATION
NATIONAL INSTITUTE OF EDUCATION
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official NIE position or policy.

SUBSTANCE OR PROCEDURE: MISAPPLICATION OF THE TABULA RASA APPROACH

Robert C. Rowland
University of Kansas

Paper presented at the Speech Communication Association Convention in Anaheim, California, November 1981.

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

Robert C. Rowland

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

CS503725

SUBSTANCE OR PROCEDURE: MISAPPLICATION OF THE TABULA RASA APPROACH

One of the most striking recent developments in debate is the increase in concern for debate theory. Debaters increasingly argue about the proper paradigm for evaluating debates the legitimacy of various strategies, and the appropriate method for deciding procedural issues. The tabula rasa view of the proper role for a debate judge is at the heart of this increased concern with theory.

The tabula rasa approach developed in the mid 1970s to fill the need for a method of deciding questions of debate theory.[1] It has now reached the point where nearly all judges embrace tabula rasa in one form or another. For example, Austin Freeley's survey of judges at the National Debate Tournament revealed near unanimous support for tabula rasa as a perspective for evaluating debates.[2]

Surprisingly, while tabula rasa is built on the assumption that free and full debate on all issues is the best guarantee that the truth will be discovered in any dispute, the tabula rasa approach itself has not been subjected to such searching analysis. In this essay, I will attempt to provide the necessary analysis by first considering the assumptions out of which the tabula rasa debate perspective developed. I will then argue that the legal tabula rasa framework has been mis-interpreted and mis-applied to debate. Finally, I will propose limitations on the application of tabula rasa to debate in order to adapt it more closely to the unique needs of debate.

The tabula rasa debate perspective is built around three assumptions derived from legal experience with tabula rasa as a method of deciding court cases. First, tabula rasa critics assume that free and open debate is the fairest and most accurate method of resolving disputes.[3] Following Mill they argue that the clash of opposing advocates is the best safeguard for any truth-seeking process. Second, tabula rasa judges reason that procedural or theoretical questions and substantive issues share essential characteristics and should be evaluated in

the same way.[4] Third, tabula rasa critics argue that fairness requires judges to put aside all preconceptions when evaluating any issue.[5] They note that it has long been held unfair for a debate judge to decide a substantive question of public policy based on personal bias. A legal judge who convicted a defendant because he believed that all members of a minority group were criminals or a debate judge who voted negative because he believed that Federal programs inevitably fail would rightly be criticized for making a biased decision. Tabula rasa critics argue that debate judges who impose a view of theory upon a given debate are as gulty of bias as the legal or debate judges who presume a given set of facts. Therefore, tabula rasa theorists urge debate judges to evaluate all issues--theoretical as well as substantive--based only upon the arguments which the debaters present and extend in a particular debate. If an argument is not defeated in a given debate, then the judge should accept that argument, regardless of its inherent merit. In the same way, the judge should not accept an argument which is not extended, even if he believes the argument to be completely valid.

The tabula rasa perspective has come to dominate debate because it promises to bring the fairness and objectivity to debate, which have long been the hallmark of the law.[6] Unfortunately, the version of tabula rasa used in the law has been mis-applied to debate. Unlike debate, the tabula rasa approach in the law is not the only method for deciding disputes and its application is severely limited. A consideration of these limitations on tabula rasa in the law is important because it may help identify potential problems with use of the perspective in debate.

Although legal judges generally try to put aside all preconceptions and objectively decide the issues, based on the evidence presented in a given trial, there are important exceptions to this rule. For example, questions of law are generally decided on the basis of past precept or legal rule, and only secondarily

on the basis of argument about the merit of the rule or precedent.[7] The rules of evidence and the presumption that a defendant is innocent until proven guilty are examples of codified principles which judges apply regardless of the arguments made in a specific trial. Admittedly, attorneys argue about the applicability of a given rule or argue, before an appellate court, for a new precedent, but in no instance do legal judges take the role of blank slate when considering questions of law. Even when an attorney argues for a change in precedent, the judge hearing the dispute operates with the accepted precedent until the change is made. Presumption, in the law, is for the existing precedent or rule.

The second important limitation on tabula rasa in the law relates to the role which judges play in evaluating evidence and argument. While factual questions are often decided in court, through procedures which are fairly close to the idealized tabula rasa framework described by Ulrich and others, the legal judge, unlike the debate judge, remains an active participant in the argumentative process. The judge, in the law, is not merely a blank slate, upon which the defense and prosecuting attorneys write their briefs, but an active participant, who weighs the conflicting evidence, tests the arguments of each side, and occasionally builds his own theory about a case. An indication of the vast discretion available to legal judges can be found in Rule 201 of the Federal Rules of Evidence, "Judicial Notice of Adjudicative Facts."[8] The accompanying advisory committee notes cites Professor Morgan on the breadth of judicial discretion:

> In determining the content or applicability of a rule of domestic law, the judge is unrestricted in his investigation and conclusion. He may reject the propositions of either party or of both parties. He may consult the sources of pertinent data to which they refer, or he may refuse to do so. He may make an independent search for persuasive data or rest content with what he has or what the parties present. . . /T/he parties do no more than to assist; they control no part of the process.[9]

The legal judge fulfills the responsibility to fairly evaluate the issues by putting aside biases, but at the same time, the judge does not limit his analysis to the arguments and evidence presented in the trial. Instead, the judge is an active participant in the legal process who uses his knowledge of law and argument to determine the facts in a case and apply the correct legal doctrines to those facts.

Judges in the law have good reasons for utilizing an active and limited version of tabula rasa. If an unlimited passive tabula rasa perspective were used in the law, the accuracy of legal decision making could be reduced. First, immense practical problems would be created if lawyers were allowed to dispute legal rules and precedents in every trial. For example, it would be incredibly time consuming if judges were forced to derive a complete set of evidentiary rules in a particular case. Second, it would be irrational for judges to ignore legal experience with the rules and precedents which have been shown to produce just decisions. The rules of evidence have developed gradually over centuries and contain the legal wisdom of untold thousands of lawyers. To ignore that experience would be foolish indeed. Third, legal judges who worked in a passive tabula rasa framework would not fulfill their responsibility to critically evaluate the evidence in a given trial. A legal judge who played the passive role, which some tabula rasa debate theorists advocate, might find himself in the unpleasant position of convicting a man, whom he knew to be innocent, because the man's lawyer had failed to extend a certain argument in a closing statement. Finally, use of an unlimited tabula rasa perspective could destroy the consistency of the law. A judge who allowed all issues to be disputed could find defense attorneys arguing that a particular law should be ignored. Prosecutors could demand penalties which went far beyond statutory limitations. Judges in the law embrace a form of tabula rasa as a method of putting aside preconceptions in order to fairly evaluate issues, but they also recognize that, if taken

to an extreme, the tabula rasa perspective produces inaccurate and unfair decisions.

The legal limitations on tabula rasa as a method are interesting, because they suggest potential problems with the use of tabula rasa in debate. In debate, unlike the law, judges have applied an essentially passive tabula rasa framework to virtually all arguments. Tabula rasa critics have shown a willingness to listen to nearly any argument including such claims as topicality is not a voting issue and nuclear war is not harmful. In addition, many debate judges, have chosen to play a much more passive role than that played by legal judges. In fact, tabula rasa theorists have gone to great lengths to restrict the discretion of debate judges. Ulrich argues that the tabula rasa judge should not personally evaluate the strength of any argument for which a reason is presented.[10] Rather, the judge should limit his analysis to a comparison of the arguments and extensions made by the opposing teams. Nor should the judge personally evaluate the importance of any argument.[11] Instead, tabula rasa judges base their evaluation of the importance of arguments largely on the labels which the debaters apply to those arguments.

Tabula rasa has encouraged debaters to learn about argumentation theory but the unlimited passive version of tabula rasa which has been applied to debate, reduces both the accuracy and fairness of decision-making in debate. The most important set of problems which develop from the passive unlimited version of tabula rasa used in debate relates to the quality of argument which the perspective encourages. Initially, the growth of tabula rasa has shifted the balance of argument in debate toward procedural issues and away from substantive questions of fact and policy. The shift is unfortunate because procedural questions are not inherently important in the same way as substantive questions. One of the values of debate is that it teaches about the complexities involved in public policy analysis. This teaching function helps to produce better politicians, academicians,

businessmen, and lawyers. However, questions of debate theory lack the intrinsic importance of questions of policy. While some theoretical issues, such as presumption, are important across many fields, theoretical issues such as the meaning of competitiveness or the legitimacy of hypothesis testing are important only in debate. In addition, debate on theoretical issues does not require the same in depth research which debate on questions of policy requires. Once a debater knows how to defend hypothesis testing, no additional work is necessary. Since the literature on debate theory is quite small, the debater can simply present the same arguments again and again without adaptation or original research. By contrast, research and argument on substantive questions of policy or fact develops through an evolutionary process. As a result, debaters must continually develop better arguments and research superior evidence in order to stay abreast of the substantive issues.

A second problem with the passive tabula rasa debate perspective is that it discourages debaters from building well constructed, adequately evidenced arguments. Because tabula rasa critics evaluate arguments based only on what the debaters say about them, a poorly constructed unimportant argument, which is claimed to be "absolute," and a well constructed truly crucial argument may achieve equal results. A debater can often win a weak argument by presenting so many reasons for it that one of the reasons inevitably slips by unrefuted. The problem is all the more serious because it is easier to build weak arguments and claim that they are absolute than it is to build and evidence good arguments. For example, an affirmative debater might attempt to avoid difficult arguments on solvency by making the innovative claim that "solvency is not a voting issue." The claim could be supported with the following reasons:

1. Methodologically impossible No advocate can ever prove with absolute certainty that a policy will work prior to its adoption.
2. Historically ignored. Two sides go to war knowing that one will lose.
3. Process advantage. Even if the plan fails now we'll know that this type of action is doomed to failure.
4. Ethically justified. Action is ethically required even if it fails.
5. Bleedover effect. Taking action in one area could result in positive action in a completely different area.
6. Strengthens risk analysis. If action resulted in certainty the role of the critic could be unfairly reduced.[12]

Many additional reasons (of similar quality) could be presented and despite the obvious weakness of the argument the affirmative might well win it simply because of the difficulty of quickly refuting a large number of statements labelled as reasons. The ultimate result is that debaters are encouraged to make extreme claims and support them with as many "reasons" as possible. To make matters worse, the quality of the reasons supporting the theoretical claim is relative unimportant. A poorly reasoned argument which is claimed to be absolute can win a debate if the other team ignores it or mishandles it. Debaters can either take time and effort to build well supported arguments or make extreme claims and support them with as many reasons, whether relevant or not, as possible. It is not surprising that debaters often taken the easy way out.

In other contexts argumentative theorists criticize speakers who claim more than their evidence proves or present specious reasons in support of a claim. In addition, the speaker who ignores the specious arguments and focuses on the "key issues" is applauded for knowing what is truly important. A debater who shows the same skill by focusing on the important arguments, will likely be rewarded for his common sense with a loss. Tabula rasa does not encourage good argumentation about essential issues; it encourages a mad scramble over a huge number of often unsupported extreme claims.

Tabula rasa judges have not been totally insensitive to the potential for abuse in the perspective. Ulrich, for instance, recognizes the potential problem and as noted earlier suggests that judges should require all arguments to

be supported by at least a single reason. Unfortunately, he then undercuts the value of the "reason" standard by denying that judges should evaluate the adequacy of reasons. Ulrich argues: "I will not evaluate the adequacy of this reason unless the other team argues against it." [13] By denying judges the right to evaluate the strength of reasons, Ulrich defines a reason as any statement which a debater claims is a reason. For a judge to reject a statement which a debater calls a reason would be to evaluate the adequacy of the reason presented. In effect a reason is a propositional sentence which contains the word "because" or its functional equivalent. It is fair to conclude that the unlimited passive tabula rasa framework lacks adequate safeguards to prevent poor argumentation.

The next problem with the unlimited passive tabula rasa approach is that the perspective legitimizes arguments which could destroy debate as an activity. The claim that topicality is not a voting issue illustrates the point. Despite the agreement of all major debate paradigms on the importance of topicality, tabula rasa legitimizes the argument that topicality is not a voting issue. The result is most unfortunate. The limits established by a topic are necessary to provide a focus for research, to restrict the scope of debate, and to facilitate the practical aspects of tournament competition.

Here it is important to note that the possibility of refuting the claim, that topicality is not a voting issue (or any other claim for that matter), does not eliminate the problem. It is much easier to make a theoretical claim, such as "topicality is not a voting issue," and support it with five or six one line reasons, than it is to refute that claim. The refutative process requires the debater to identify each reason and explain why it is incorrect. In effect, an extra argumentative step is necessary to refute a theory argument than to present it.

An illustration may make the problem clear. It would be quite easy for a debater to present the following "reasons" justifying the claim that topicality is not a voting issue:

1. Topicality should not be a voting issue because broad topics mirror the real world jurisdiction of congressional committees.
2. Topicality should not be a voting issue because broad topics are more educational.
3. Topicality should not be a voting issue, because questions of topicality are inherently subjective.
4. Topicality should not be a voting issue, because debate judges should not be granted the excessive discretion to vote against a team on procedural grounds alone.
5. Topicality should not be a voting issue, because the negative is prepared to debate the case and thus there is no longer a reason for the limitations established by the topic.
6. Topicality should not be a voting issue, because a topic unnaturally limits the process of considering systemic interactions between policy proposals.
7. Topicality should not be a voting issue, because prior disclosure of case topics at earlier tournament eliminates the need for a resolution.

A fast debater could present the above "reasons" in thirty or forty seconds. However, it would not be possible to refute the so-called reasons in the same amount of time. The unlimited passive tabula rasa framework is inherently biased in favor of the team presenting innovative theoretical claims.

Additionally, the possibility that a theoretical claim could be refuted does not necessarily justify the presentation of the claim in the first place. The problem is that a superior debate team might justify a theory or strategy which could harm debate. For example, an excellent team, which had fabricated evidence, might be able to win the argument that fabrication is legitimate. In that circumstance the tabula rasa judge would seem to have no alternative but to accept the argument and allow the evidence fabrication to go unpunished. Such a result is unacceptable. To ignore evidence fabrication is to condone the cheating and threaten the integrity of debate. The unlimited passive tabula rasa perspective provides no check against theoretical positions which could destroy debate as an activity.

Tabula rasa also may produce inequitable decisions by encouraging debaters to focus on theoretical arguments and strategic tricks rather than substantive

questions of policy or fact. Some teams might even specialize in theoretical trickery as a means of avoiding the hard work of specific research. As a result, a debate team, which in every reasonable sense had done the better job of debating, might lose a given debate either because they were unfamiliar with the theoretical innovation proposed by their opponents or because they accidentally ignored a specious argument which their opponents claimed to be absolute.

My point is not that tabula rasa has harmed debate and should be rejected in favor of some specific theoretical perspective. On the contrary, tabula rasa, even in its current extreme form, has taught debaters about debate theory. However, debate could profit from the legal experience by shifting away from the passive unlimited tabula rasa framework to a limited active tabula rasa model. Two major areas of reform are particularly important. Most importantly, debate judges should reject the passive role which tabula rasa theorists have encouraged and play a more active role in the debate process in two ways. First, while fairness requires that judges evaluate arguments based only on what is said about them in a specific debate, judges need not accept all claims at face value. Rather, judges should apply a minimum standard for argument and evidence quality to all claims.

Currently, debaters can often win debates by making extreme claims (usually they say that the argument is absolute) and supporting those claims with a great many specious statements labelled as reasons. The sheer quantity of the reasons makes it difficult to refute the argument in a reasonable amount of time. To make matters worse, the passive tabula rasa judge has no option but to accept any statement as a real reason which is claimed to be a reason. The result may be a victory based largely on bad theoretical argumentation. Tabula rasa could be reformed if judges were willing to define reason giving in functional rather than formal terms. In essence, debaters could be required

to present real reasons for their claims. Toulmin's functional definition of the basic argumentative triad of data, warrant and claim might serve as one definition of the minimum components of a valid argument. If a judge could identify data which was linked by a reason, functioning as a warrant, to a claim then the argument would meet what might be called the "complete argument standard" and should be considered in the debate round. In effect the judge would require that debaters present statements which he understood as clearly supporting a particular claim before the claim was accepted as a legitimate argument. By contrast, the judge would ignore an argument, if he didn't perceive a logical warrant linking the data to the claim.

The complete argument standard is based on a view of reason in functional rather than formal terms. Only by shifting away from Ulrich's formal view of reasons as propositional sentences, which include a claim of causation, can debate judges attain the necessary selectivity to control bad arguments. The proposed standard would give debaters an incentive to avoid bad arguments and specious reasoning. Debaters, knowing that judges would ignore bad arguments supported by specious non-reasons, would gradually learn not to present such arguments. The complete argument standard provides debate judges with a means of shifting argument about theoretical issues back toward high quality argumentation.

Some might object that the proposed standard brings subjectivity into the debate process. There is an element of truth in this claim. However, it should be recognized that in the attempt to attain total objectivity tabula rasa judges have given up something much more important--selectivity. It is important that debate judges evaluate rounds as fairly as possible, but it is also important that they use their knowledge of argumentation to teach debaters about argument and public policy. The passive tabula rasa framework denies debate

judges the selectivity needed to reject some claims as not complete arguments and therefore indirectly encourages bad argumentation. In addition, while an active tabula rasa framework lacks the complete objectivity provided by the absence of any standards, it would not necessarily lead to biased judging. First, subjectivity is possible in all frameworks. There are so many complex issues in even the simplest debate, that a biased judge can easily find justification for any decision. Second, the "complete argument standard" could be applied as a consistent minimum standard for evaluating all argument. There is no reason that the proposed standard should produce any bias. It would simply serve as a minimum standard (operationally defined by each judge) below which claims would not be granted the status of legitimate argument.

An additional area in which a more active tabula rasa model would improve debate is in the evaluation of the importance of arguments. Debaters establish the importance of their arguments for passive tabula rasa judges largely through the labels which they attach to those arguments. Debaters, being strategic creatures, have adapted to this aspect of tabula rasa, by labelling all of their arguments as crucial or "absolute." I suggest that debate judges should not relinquish the responsibility to evaluate the importance of arguments. It is, of course, vital that critics do not pre-judge the importance of an argument. However, surely the importance of an argument is based on more than the label which is attached to the argument. A legal judge would evaluate the reasoning and quality of the testimony as well as the claim that the defendant was innocent. By contrast, a passive tabula rasa judge in debate might be forced to accept the claim that nuclear war is not harmful, if the negative read evidence saying that the harm of radiation had been overstated and the affirmative did not dispute that claim. More reasonably, the judge should weigh the evidence supporting the claim, as well as the strength of the label. In the nuclear war example, the judge should accept the argument as proving that

the radiation produced in a nuclear war would not kill as many people as previously thought, but not blindly accept the ridiculous claim that nuclear war is not harmful. Judges should not intervene to personally refute arguments which have not been denied in the debate, but they also should not allow debaters to make wild unsupported claims simply because the argument was dropped. Argument labels should be one important factor weighed by the judge in determining the importance of an argument, but they should not be the sole determinant of an argument's importance.

Debate judges should not strive to become perfectly objective blank slates. Instead, judges should put aside biases about the merits of an argument, but still use their common sense and knowledge of argumentation to fairly evaluate debates. The proper role for a judge is not that of a computer with its memory banks wiped clean after each use, but that of a critic who uses all of his critical skills to justly evaluate disputes.

The second major step in reforming tabula rasa is to clearly define appropriate limits of the perspective. Even Ulrich admits that tabula rasa should be limited. He argues that the tabula rasa judge should not accept a new case which is presented in second affirmative rebuttal, even if a justification for the new case is presented at that time.[14] Unfortunately, Ulrich does not define all of the areas of theoretical argument which should be excluded from consideration. I suggest that three main groups of theoretical issues should not be open to dispute, regardless of the arguments presented in the debate. First, the claim that topicality is not a voting issue (or any other claim which denies the importance of resolutional limits upon argument in debate rounds) threatens the integrity of debate and should not be accepted. As argued earlier, debate as an organized activity could not survive without a topic which limits the scope of debate.

Second, while argument is necessary to determine whether an ethical violation (such as fabrication of evidence) has occurred in a debate, the importance of the ethical violation should not be open to dispute. If a debater cheats, the judge should punish him regardless of the theoretical justification presented for the cheating. One important implication drawn from this position is that a judge who is certain that a team has fabricated or misrepresented evidence should vote against that team, even if their opponents fail to identify the violation. Of course, judges should be careful to avoid falsely convicting debaters of unethical practices. However, that conviction should not depend on their opponents identification of the ethical violation. No debater can be expected to know all of the evidence on a topic. If a judge is <u>certain</u> that evidence is mis-represented or falsified he should take it upon himself to vote against the violator. Misrepresentation and falsification are blights on debate which must be controlled.

Finally questions of format should not be open to theoretical dispute. It seems only a matter of time before debaters use <u>tabula rasa</u> to argue for changes in the format of debate. The affirmative might argue for extra time in first affirmative rebuttal in order to answer the negative block, or the negative might claim that they deserve extra time to counter a speedy affirmative team. The only possible result of such arguments about format is utter chaos. In addition to forbidding argument aimed at altering the format of debate itself, the proposed limitation would restrict <u>tabula rasa</u> in two additional ways. First, <u>tabula rasa</u> judges should not vote for theoretical arguments if format prevents an adequate response to those arguments. It is this point which lies behind Ulrich's rejection of new cases in second affirmative rebuttal. New arguments in rebuttal, counterplans in second negative constructive, and changes in the affirmative plan in first affirmative rebuttal fit into the same category and should not be accepted regardless of the theoretical

justification. Second, the format should function as an absolute criterion for evaluating questions of theory. A theory or tactic which is proved infeasible under the current format of debate should be rejected, regardless of other justifications for the theory or tactic. If the theory cannot function effectively, under the current format, then there is no reason to accept it, absent a change in format. For example, if a debater proved that hypothesis testing cannot feasibly be carried out under the current format, then the paradigm should not be utilized even if justified in other ways.

Most of the problems associated with tabula rasa could be eliminated by the shift to a more active, but limited tabula rasa perspective. The "complete argument standard" shifts the incentive back toward substantive analysis and away from trivial theorizing. The limitations on tabula rasa also create incentives for debaters to develop well reasoned adequately supported arguments rather than a grab bag of specious reasons and extreme claims. The ban on theoretical arguments about the importance of topicality, ethics, or format protects debate from abuses of tabula rasa. Finally, use of the "complete argument standard" for evaluating arguments makes it more difficult for debaters to use theoretical arguments as tricks to avoid research and substantive argument.

The main point of this essay is that debate theorists have ignored the experience of the law with tabula rasa and consequently produced a perspective without proper safeguards against bad argument. The active, but limited tabula rasa model, which has been proposed, is designed to remedy the problems which the passive and unlimited model has produced in debate. By establishing minimum standards which all arguments must meet, the proposed reforms should encourage debaters to develop high quality theoretical and substantive arguments while avoiding theoretical trickery.

NOTES

[1]The literature on tabula rasa is relatively limited. See John D. Cross and Ronald J. Matlon, "An Analysis of Judging Philosophies in Academic Debate," The Journal of the American Forensic Association 15 (Fall, 1978), pp. 115-116), and Walter Ulrich, "Tabula Rasa as an Approach to the Judging of Debates," paper presented at the Speech Communication Association Convention in Minneapolis, Minnesota, November 1979. I draw most heavily from Ulrich.

[2]See Austin J. Freeley, "Judging Paradigms: The Impact of the Order to Argument," paper presented at the Speech Communication Association Convention, American Forensic Association Summer Conference on Argumentation, Alta, Utah, July 1981. A proceedings for the conference is forthcoming. Also see Cross and Matlon, p. 123; David Thomas, "Mail Survey of Judging Philosophy-Compilation of Results," Judging Philosophy Booklet National Debate Tournament, April 18-21, 1980, p. 1.

[3]Ulrich, "Tabula Rasa," pp. 3,4.

[4]Ulrich, "Tabula Rasa," pp. 5-6, Also see Cross and Matlon, p. 115.

[5]Ulrich, "Tabula Rasa," pp. 5-6.

[6]Ulrich draws heavily on the legal experience. See "Tabula Rasa," pp. 13-16, and notes 20-22.

[7]For a description of legal reasoning and use of precedents see Edward Levy, An Introduction to Legal Reasoning (Chicago: University of Chicago Press, 1949).

[8]See Federal Rules of Evidence for U.S. Courts Approved January 2, 1975 Amended April 1, 1979 (St. Paul: West, 1979), p. 10.

[9]Professor Morgan is cited in the advisory note accompanying rule 201 in the Federal Rules of Evidence, p. 12.

[10]Ulrich, "Tabula Rasa," pp. 11-12.

[11]Ulrich, "Tabula Rasa," p. 13. Also see Walter Ulrich in the 1980 National Debate Tournament Judging Booklet, p. 77.

[12]These "reasons" are drawn from a block written by two University of Kansas debaters (Zac Grant and Rodger Payne). Grant and Payne included seventeen additional reasons on the original block which was developed to prove the potential absurdity of tabula rasa.

[13]Ulrich in the 1980 N.D.T. Booklet, p. 77, Also see Ulrich, "Tabula Rasa," pp. 11-12.

[14]Ulrich, "Tabula Rasa," p. 10.